

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**HEIDI S ZYSK**  
Claimant

**APPEAL 18A-UI-06134-DG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/06/18  
Claimant: Appellant (1)**

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Iowa Code § 96.4(3) – Able and Available/Work Search

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 22, 2018, (reference 03), unemployment insurance decision that warned claimant to make at least two work search contacts per week but did not deny benefits for the week ending May 19, 2018. After due notice was issued, a telephone conference hearing was scheduled to be held on July 5, 2018. Claimant participated.

**ISSUE:**

Did the claimant make an adequate work search for the week ending May 19, 2018, and was the warning appropriate?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant claimed benefits for the week ending May 19, 2018. She did not make two work searches for that week. She made one work search for that week.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has not made an active and earnest search for work.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification

requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(28) provides:

**Availability disqualifications.** The following are reasons for a claimant being disqualified for being unavailable for work.

**(28)** A claimant will be ineligible for benefits because of failure to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

The claimant has not sufficiently demonstrated to the satisfaction of the administrative law judge an active and earnest search for work was done for the week ending May 19, 2018. Accordingly, the warning was appropriate.

**DECISION:**

The May 22, 2018, (reference 03) unemployment insurance decision is affirmed. The claimant did not make an active and earnest search for work for the week ending May 19, 2018. Therefore, the warning was appropriate. If it has not been done already, the claimant's work search status should be changed to include résumé work searches.

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Duane L. Golden  
Administrative Law Judge

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Decision Dated and Mailed

dlg/scn